

The Public's Health and the Law in the 21<sup>st</sup> Century  
5<sup>th</sup> Annual Partnership Conference

Concurrent Session

**Why and How States Are Updating Their Public Health Laws**

Monday, June 12  
4:00-5:30 pm

Moderator: Anne C. Haddix, PhD, Chief Policy Officer, Office of the Director, CDC, Atlanta, GA

Panel: Susan M. Allan, MD, JD, MPH, Public Health Director, Oregon Department of Human Services, Portland, OR

Benjamin Mason Meier, JD, LL.M., Center for Health Policy, Columbia University, New York, NY

Joan Miles, MS, JD, Director, Montana Department of Public Health and Human Services, Helena, MT

Hon. Gregg Underheim, Wisconsin State Assembly, Oshkosh, WI

Session Purpose:

Public health emergencies are leading states to adopt new statutes revising their emergency health powers—for example, with respect to emergency declarations, use of quarantine, and formation of mutual aid compacts—as well as to temper them with due process and other protections. A growing number of states are reviewing their general public health statutes as well and have enacted, or are considering, new legislation reflective of the framework offered in the Turning Point Model State Public Health Act.

The panelists in this session include: a legislative leader in Wisconsin's successful effort to rewrite selected, general public health laws; two state health directors, each of whom also has had extensive experience with local public health law; and an attorney-researcher who currently is evaluating the use and impact of the Turning Point model act.

This session is an opportunity to hear this distinguished faculty discuss:

- Reasons propelling reconsideration of states' current public health laws—those related to public health emergencies as well as those related to emerging chronic diseases and other important health threats;
- Factors that public health policy makers and practitioners are taking into account as they weigh new legislation against such alternatives as issuance of regulations, improved implementation and enforcement of laws already on the books, or reliance on public education and other approaches not contingent on law;

- Perceived merits of framing statutory provisions in broad versus categorical terms, of delegating extensive versus narrow rule-making authority to health departments, and of balancing public health service decision making between state and local authorities;
- States' efforts to codify the Turning Point Model State Public Health Act into state law; and
- Statutory approaches policy makers are considering to improve the impact and accountability of public health agencies.

#### Learning Objectives:

By the close of this session, conference participants will be able to:

- Identify some of the principal reasons for practitioners' and policy makers' increased focus on state public health statutes;
- Describe key provisions of recently enacted state laws focused on public health emergency legal preparedness and on other important, but non-emergency health threats; and
- Explain selected, major issues and considerations that states are addressing as they design new and revised public health statutes.

#### Session Convener:

The Public Health Law Program, CDC

#### Resource Materials:

2005 Wisconsin Act 198 (enacted March 24, 2006):  
<http://www.legis.state.wi.us/2005/data/acts/05Act198.pdf>

Turning Point Model State Public Health Act:  
<http://www.publichealthlaw.net/Resources/Modellaws.htm#TP>

Draft Model State Emergency Health Powers Act:  
<http://www2a.cdc.gov/phlp/docs/msepha2.pdf>

Center for Health Policy, Columbia University:  
<http://www.nursing.hs.columbia.edu/institutes-centers/chphsr/index.html>